Court No. 2

Writ Petition No. 782 (M/S) of 2002

Smt. Veermati ..... Petitioner

Versus

State of Uttaranchal and two others ..... Respondents

.....

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner challenging the order dated 24.09.2002 passed by the Prescribed Authority/S.D.M., Nainital in Eviction Case No. 22/44 of 2000-2001 under the U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

The Act provides remedy of appeal. The petitioner has directly approached this Court under Article 227 of the Constitution of India. The learned counsel for the petitioner argued that the petitioner has invoked the jurisdiction under Article 227 of the Constitution as the supervisory jurisdiction under Article 227 of the Constitution also controls the Prescribed Authority and the Prescribed Authority has exceeded its jurisdiction as the disputed accommodation was allotted under the Rent Control Act and U.P. Public Premises (Eviction of Unauthorised Occupants) Act was not applicable at all.

The petitioner can raise this legal issue in appeal. The petitioner may file an appeal before the appellate court within ten days from today and the appeal filed by the petitioner shall be decided by the appellate court within three months from the date of its filing. For ten days and three months the petitioner shall not be dispossessed from the disputed accommodation. In case the appeal is not disposed of within aforesaid period, the petitioner shall not be evicted by the Prescribed Authority.

The petition is disposed of finally with the consent of the parties.

(P.C. Verma, J.)

22.10.2002
P.Singh